

The Office of Infrastructure Protection

National Protection and Programs Directorate
Department of Homeland Security

Chemical Facility Anti-Terrorism Standards (CFATS)

Montgomery County MD LEPC

January 2018

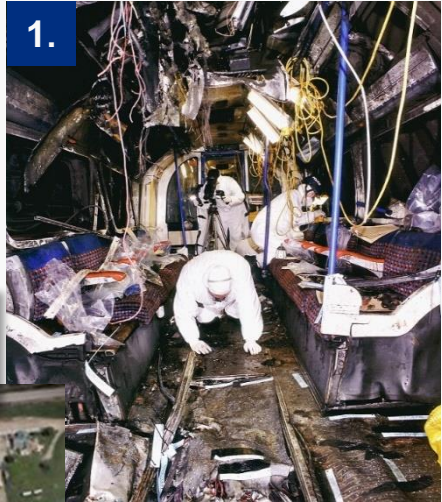


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Why Chemical Facility Security?

We face a persistent and evolving threat

- A successful attack on a chemical facility could potentially cause a significant number of deaths and injuries
- Certain chemical facilities possess materials that could be stolen or diverted and used for terrorist activities



**Death Toll in West, Texas,
Fertilizer Explosion Rises to 15**
NPR, April 23, 2013



**French Authorities Hold Suspect in
Beheading and Explosion at Chemical Plant**
NY Times, June 26, 2015

**“Compelling Confirmation” that
Chlorine Gas Used as Weapon in Syria**
OPCW, September 10, 2014



1. Subway Bombings, London, July 2005
2. Ammonium Nitrate, Texas, April 2013
3. Chlorine-tinged cloud of smoke rises from a bomb detonated by Iraqi army and Shi'ite fighters, Iraq, March 2015



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Ensuring Chemical Facility Security




Statutory Authority

- In December 2006, Congress authorized DHS to regulate security at “high-risk” chemical facilities
- The Department developed the Chemical Facility Anti-Terrorism Standards (CFATS), 6 CFR Part 27, to implement this authority
- In December 2014, Congress extended the Department’s authority through the *Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014* - 6 U.S. Code Chapter 1, Subchapter XVI: Chemical Facility Anti-Terrorism Standards (CFATS)



The CFATS Regulation



The CFATS program identifies and regulates high-risk chemical facilities to ensure they implement appropriate security measures to reduce the risk of a terrorist attack associated with more than 300 chemicals of interest (COI). If held in specified quantities and concentrations, these chemicals must be reported to DHS. Facilities that store, manufacture, or distribute COI at or above screening threshold quantities (STQ) are required to comply with the CFATS standards.

- CFATS follows a risk-based approach, allowing DHS to focus on high-risk chemical facilities in accordance with their specific level of risk



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CFATS Universe

Identifying high-risk chemical facilities

- “Appendix A” – a list of 300+ chemicals of interest (COI) at specific threshold quantities and concentrations that require reporting to the Department

Hospitals
and Clinics



Wineries

Correctional
Facilities



Chemical Facilities Come in All Shapes and Sizes



Chemical
Manufacturing



Oil Refineries



Food Processing



Wineries



Colleges and
Universities



Farm
Cooperatives

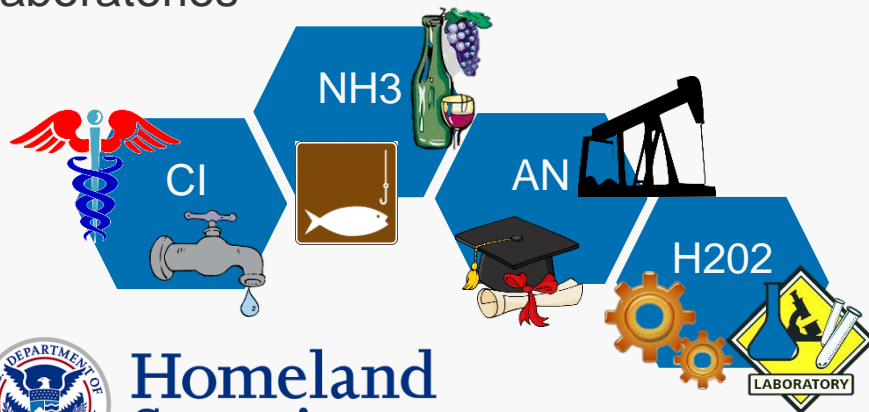


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Industries with Facilities Regulated by CFATS

CFATS regulates facilities in various industries, including:

- Academia (College & Universities)
- Aerial Sprayers (Non-Fertilizer)
- Breweries
- Cold Chain/Refrigeration
- Energy Utilities
- Fisheries and Hatcheries
- Food Processors and Co-Ops
- Healthcare (Hospitals & Providers)
- Laboratories
- Metal Service and Metal Merchants
- Mining
- Motor Vehicle Parts Manufacturing
- Paints/Coatings
- Petrochemical Manufacturing
- Petroleum Refining/Oil Drilling
- Plastics
- Pulp and Paper
- Race Tracks
- Retail Storage and Distribution
- Semiconductors
- Water Parks, Pools, and Filtration
- Wineries



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Am I Exempt?

Statutory Exemptions

- Facilities regulated by the Nuclear Regulatory Commission
- Facilities owned by the Departments of Defense or Energy
- Public water systems and water treatment works regulated under certain Federal water quality laws
- Facilities regulated under the Maritime Transportation Security Act

Agricultural Production Facilities

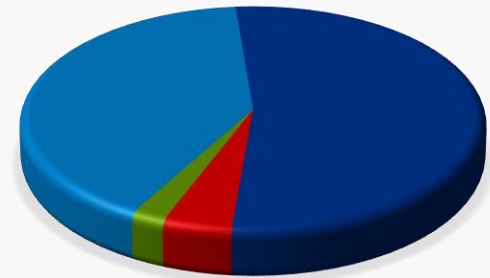
- In January 2008, DHS indefinitely extended the Top-Screen due date for agricultural production facilities



Essentials of the CFATS Program

- DHS uses information submitted through an online survey (Top-Screen) to determine if a facility is high-risk
 - High-risk (i.e., covered) facilities are placed in 4 tiers. Tier 1 represents the highest risk
- Covered facilities are required to develop and implement security plans that meet applicable risk-based performance standards (RBPS)
- More than 3,000 facilities have eliminated, reduced, or modified their holdings and/or processes and are no longer considered high-risk

**Current
Population
Distribution**



- Tier 1
- Tier 2
- Tier 3
- Tier 4



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The CFATS Process

Facility may be tiered in or drop out

If the facility receives a tier...

Submit
Top-Screen

Receive a
Tier (1-4)
or be deemed
not high-risk

Provide a
**Security Vulnerability
Assessment (SVA)/Complete
Site Security Plan (SSP) or
Alternative Security Plan (ASP)**

Receive
Authorization
and an
**Authorization
Inspection**

Receive
Approval of
the SSP/ASP

**Implement
Planned
Measures and
Undergo Regular
Compliance
Inspections**

All facilities with COI

High-risk facilities

- DHS provides compliance assistance upon request at any stage of this process
- More than 150 Chemical Security Inspectors are available for support across the country



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Risk-Based Performance Standards

RBPS-8 Cyber



RBPS-10 Monitoring



RBPS-18 Records



RBPS-1 Restrict Area Perimeter



- 1) Restrict Area Perimeter
- 2) Secure Site Assets
- 3) Screen and Control Access
- 4) Deter, Detect, Delay
- 5) Shipping, Receipt, and Storage
- 6) Theft and Diversion
- 7) Sabotage
- 8) Cyber
- 9) Response
- 10) Monitoring
- 11) Training
- 12) Personnel Surety
- 13) Elevated Threats
- 14) Specific Threats, Vulnerabilities, or Risks
- 15) Reporting of Significant Security Incidents
- 16) Significant Security Incidents and Suspicious Activities
- 17) Officials and Organization
- 18) Records

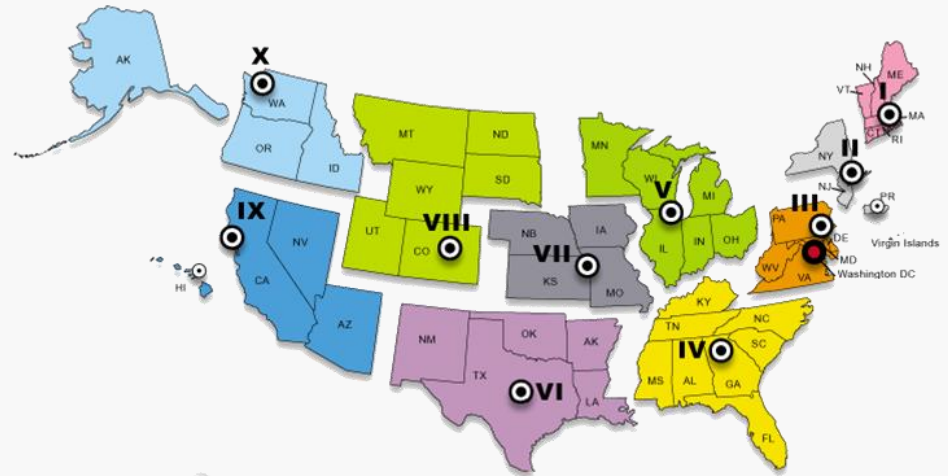
- Rather than define specific security measures, DHS developed 18 Risk-Based Performance Standards (RBPS)
- Compliance with the RBPS will be tailored to fit each facility's circumstances, including tier level, security issues, and physical and operating environments



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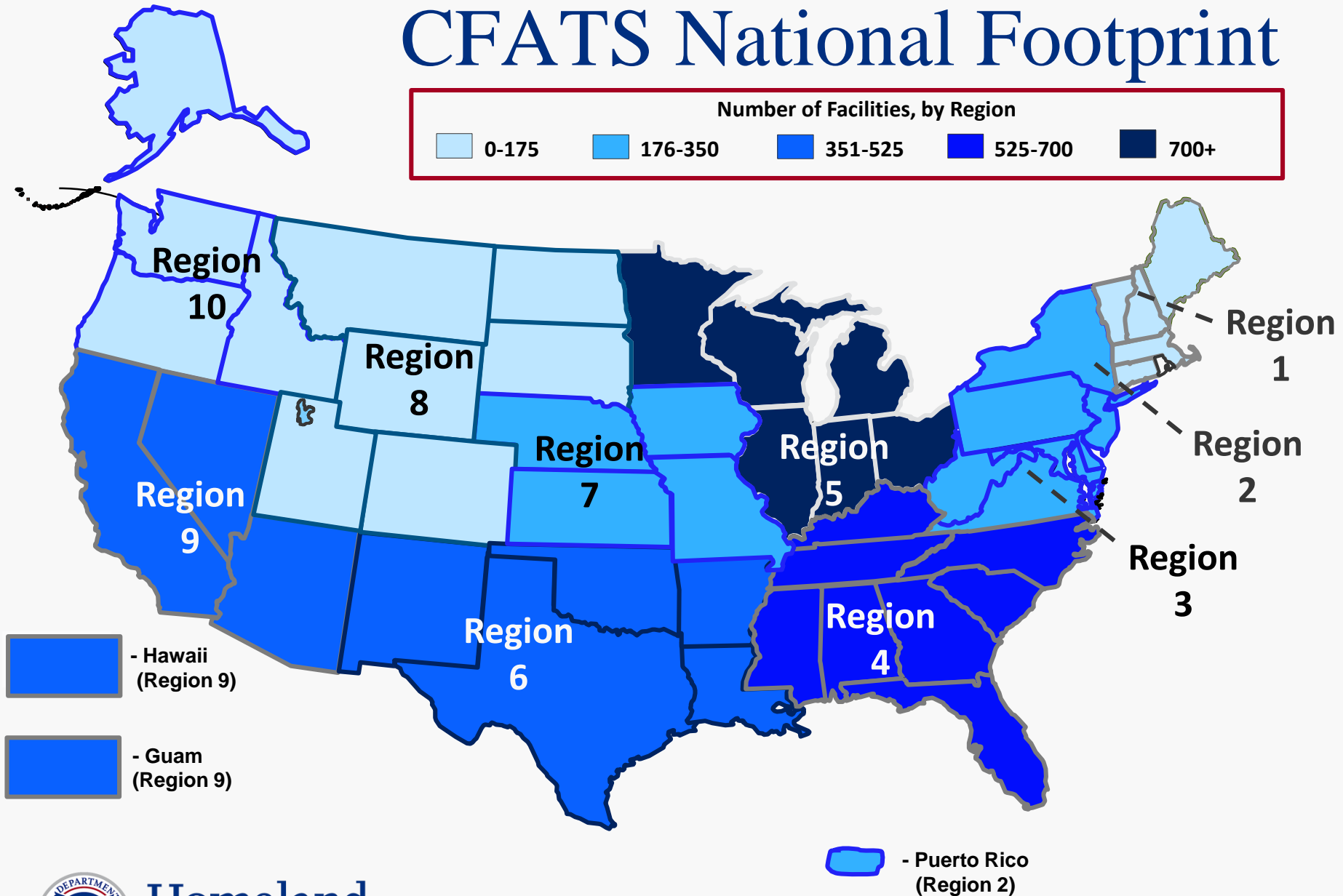
Chemical Security Inspectors

- Chemical Security Inspectors are located in all 50 States
 - More than 150 Chemical Security Inspectors
 - Organized into teams in each of the 10 Federal regions
- Conduct:
 - Authorization Inspections
 - Compliance Assistant Visits
 - Compliance Inspections
 - Stakeholder Outreach
- Chemical Security Inspectors also attend meetings with Federal, State, local, and private industry members



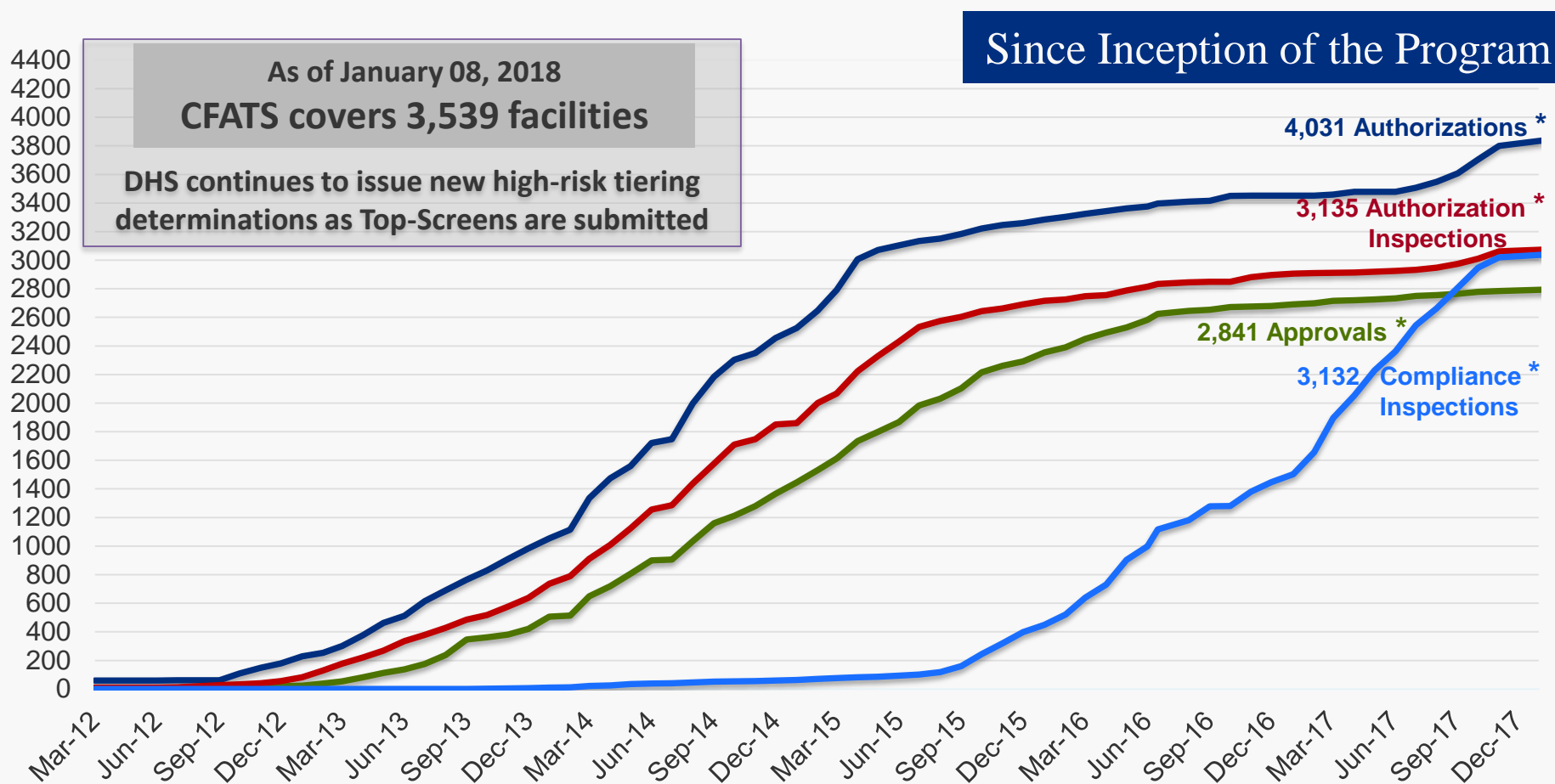
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CFATS National Footprint



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Activities at CFATS Facilities



* "Since Inception of Program" statistics include facilities that were once tiered but no longer high-risk. Typical reasons include removal of a COI, reduction of COI quantity, replacement with lower concentration COI, and facility sale or closure.



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All statistics are current as of January 08, 2018

Submitting and Protecting Information

Chemical Security Assessment Tool (CSAT)

CSAT is a set of online applications.

These include:

- User Registration
- Top-Screen
- Security Vulnerability Assessment/Site Security Plan
- Personnel Surety Program

Chemical-terrorism Vulnerability Information (CVI)

CVI is the information protection category used to ensure secure handling of certain sensitive CFATS-related information.

To access CVI, an individual must have passed CVI training and have a need-to-know.



Improved Tiering Methodology and CSAT 2.0

- DHS released the enhanced tiering methodology and Chemical Security Assessment Tool (CSAT) 2.0 in Fall 2016.
- The enhanced tiering methodology accounts for the relevant elements of risk: threat, vulnerability, and consequence
- CSAT 2.0 consist of a revised Top-Screen, Security Vulnerability Assessment, and SSP
 - All facilities with chemicals of interest (COI) at or above screening threshold quantity (STQ) have to resubmit a new Top-Screen
- DHS expects retiering to be completed in Fall 2018



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Personnel Surety Program

Personnel Surety Background Checks

Verify and Validate Identity

Check Criminal History

Validate Legal Authorization to Work
in the U.S.

Identify People with Terrorist Ties

- Personnel Surety includes vetting individuals with access to COI and other sensitive parts of high-risk chemical facilities
 - Risk-Based Performance Standard (RBPS) 12 requires certain types of background checks, including recurrent vetting against the Terrorist Screening Database

- DHS began implementation of the CFATS Personnel Surety Program in December 2015. Tier 1 and Tier 2 facilities have four ways to implement terrorist screening provisions:
 1. Direct vetting through DHS's online tool
 2. Verifying credentials through DHS's online tool
 3. Using an electronic credential reader, like a TWIC reader
 4. Visual verification of a credential
- More than 7,000 names are currently being vetted



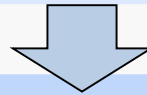
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What Should You Do Next?

①

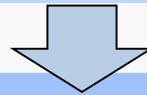
Visit *DHS.gov* to access Appendix A

www.dhs.gov/publication/cfats-coi-list



②

If your facility manufactures, stores, or distributes any of the chemicals of interest (COI) in Appendix A at or above the minimum concentrations and screening threshold quantities



③

Submit a Top-Screen

<https://csat-registration.dhs.gov/>



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Available Resources



Outreach: DHS outreach for CFATS is a continuous effort to educate stakeholders on the program.

- To request a CFATS presentation or a CAV, submit a request through the program website www.dhs.gov/chemicalsecurity, or email DHS at CFATS@hq.dhs.gov



CFATS Help Desk: Direct questions about the CFATS program to the CFATS Help Desk.

- Hours of Operation are Mon. – Fri. 8:30 AM – 5:00 PM (ET)
- CFATS Help Desk toll-free number 1-866-323-2957
- CFATS Help Desk email address csat@dhs.gov



CFATS Web Site: For CFATS Frequently Asked Questions (FAQs), CVI training, and other useful CFATS-related information, please go to www.dhs.gov/chemicalsecurity



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● Homeland Security Starts with Hometown Security



Security starts here.

connect

plan

train

report

For more information, visit www.dhs.gov/hometown-security



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For more information visit:
www.dhs.gov/criticalinfrastructure

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Program Status: Covered Facilities

Tier	Currently Covered Facilities	Currently Covered Facilities	3,539
1	160	Currently <u>Authorized</u> Facilities	505
2	80		
3	1,432	Currently <u>Approved</u> Facilities	2,323
4	1,867		
Total	3,539	Currently <u>Tiered</u> Facilities (awaiting authorization and approval)	711

All statistics are current as of January 08, 2018



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Agricultural Production Facilities Extension

- **The extension applies to:**
 - Farms (e.g., crop, fruit, nut, and vegetable)
 - Ranches and rangeland
 - Poultry, dairy, and equine facilities
 - Turf grass growers
 - Golf courses
 - Nurseries
 - Floricultural operations
 - Public and private parks
- DHS is considering whether a modification to the Top-Screen requirement for agricultural production facilities might be warranted
- In January 2008, DHS indefinitely extended the Top-Screen for farmers and other agricultural facilities that use chemicals of interest (COI) for certain agricultural purposes



Agricultural Production Facilities Extension

- The extension does **not** apply to chemical distribution facilities or commercial chemical application services.
- It applies only to agricultural production facilities that use COI *in preparation for the treatment of* crops, feed, land, livestock (including poultry) or other areas of an agricultural production facility or *during application to or treatment of* crops, feed, land, livestock (including poultry) or other areas of the facility.
 - Therefore, if your facility possesses COI at or above the screening threshold quantity for any other purpose, your facility is **not** eligible to claim the CFATS Top-Screen extension and you must comply with the CFATS regulation by submitting a Top-Screen



What is an Authorization Inspection?

- Authorization Inspections are conducted at covered facilities to verify the facility content listed in the Site Security Plan (SSP) or Alternative Security Program (ASP) is accurate and that existing and planned measures satisfy the risk-based performance standards (RBPS).
- **DHS sends the facility a Letter of Authorization through CSAT**
- **A Chemical Security Inspector will reach out to the facility to discuss:**
 - A date and time for the inspection
 - The scope of the visit
 - The facility personnel required to be present
 - Required documents to be made available
 - Chemical-terrorism Vulnerability Information (CVI) considerations
 - Protective equipment and safety requirements



What is a Compliance Inspection?

- A Compliance Inspection (CI) is conducted as part of the recurring inspection process after a Letter of Approval has been issued to ensure the facility continues to implement its approved security plan
- **Compliance Inspections are conducted:**
 - To ensure that both existing and planned security measures that are identified in the approved SSP or ASP continue to be implemented fully and on schedule
 - To ensure that the equipment, processes, and procedures described in the SSP or ASP are appropriate and sufficient to meet the established risk-based performance standards
 - To ensure that required corrective actions have been implemented and are sustainable
 - To discuss other issues that have come up since the Letter of Approval

